

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

I. Status of the Claims

Claims 1-7, 13-52, 54, 55 and 57 are pending. Claims 8-12, 53 and 56 are canceled.

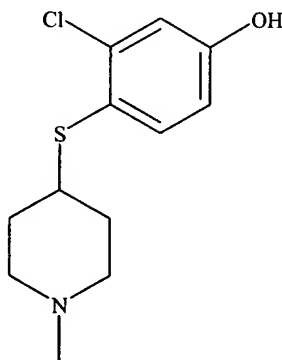
Independent claims 1, 3, 13 and 18 are amended to limit the claims to compounds wherein the sum of m and n is 4, thereby cancelling the non-elected subject matter. Dependent claims 40, 46 and 49 are also amended to recite that the sum of m and n is 4.

No new matter is added by these amendments.

II. Restriction Requirement and Lack of Unity of Invention

In the Office Action dated December 6, 2006, the Examiner found a lack of unity of invention, and required restriction to one of 26 separate groups. The Examiner also required election of a species to be examined in the event that no generic claim is found allowable.

In response, applicants elect the group 24 claims, covering compounds of formula (I) in which the sum of m and n is 4. Applicants elect the species of Example 8 (3-chloro-4-(1-methylpiperidin-4-yl)thiophenyl, which is depicted below:



Independent claim 13 reads on the elected species when n and m are each 2; R¹ is methyl; Y, Y', W', X and W are each C; R² is hydroxy; R³ is hydrogen; and R⁴ is chloro.

All pending compound and composition claims (claims 13-55 and 57) have been amended to cover the elected subject matter, wherein the sum of m and n is 4.

In view of the action taken, the claims are now limited to the elected subject matter. It is requested that the restriction requirement be withdrawn.

III. Rejoinder of Method of Treatment Claims

Method of treatment claims 1-7 have been amended to cover the compounds of formula (I), wherein the sum of m and n is 4. The Examiner is reminded of the rejoinder provisions of M.P.E.P. § 821.04, which provides for rejoinder of process claims which are dependent from or include all the limitations of an allowable product claim. Thus, the method of treatment claims 1-12 should be rejoined upon a determination of allowability of the compound claims.


IV. Conclusion

In view of the actions taken and arguments made, it is believed that all pending claims 1-7, 13-52, 54, 55 and 57 are now in condition for examination.

Favorable action is earnestly solicited.

Respectfully submitted,

By



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